

4. **Amendments**

☐ A Preliminary Amendment is enclosed.

5. **Information Disclosure Statement**

☐ An Information Disclosure Statement is submitted herewith.

6. **Fee Calculation (37 CFR 1.16)**

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee
			\$ 750.00
Total Claims 34	14	x \$ 18.00	\$ 252.00
Independent Claims 2	0	x \$ 84.00	\$.00
Multiple dependent claim(s), if any		+ \$280.00	\$.00
Filing Fee Calculation		\$	\$ 1002.00

7. **Small Entity Status**

☐ Applicant hereby asserts status as a Small Entity under 37 C.F.R. §1.27

8. **Inventorship Statement**

(a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC 120, the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application. It is requested that the following inventors identified above for the prior application be deleted:

(b) The inventorship for the claims in this application is:

☒ the same.

☐ not the same. And an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

9. **Assignment**

☒ The prior application is assigned of record to

Fisher & Paykel Healthcare Limited, 78 Springs Road, East Tamaki, Auckland,
New Zealand



10. **Fee Payment Being Made At This Time**

- ☒ basic filing fee: \$ 1002.00
☐ recording assignment (\$40.00; 37 CFR 1.21(h))
(See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW
PATENT APPLICATION".)
☐ processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l)).

11. **Method of Payment of Fees**

- ☒ A check in the amount of \$1002.00

12. **Authorization To Charge Additional Fees**

- ☒ The Commissioner is hereby authorized to charge the following additional fees
which may be required by this paper and during the entire pendency of the
application to Account No. 12-2252.
☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
☐ 37 CFR 1.17 (application processing fees)

13. **Power of Attorney**

- ☒ The power of attorney in the prior application is to
Raiford A. Blackstone, Jr., Reg. No. 25,156
a. ☒ The power appears in the original papers in the prior application.
Enclosed herewith is a copy of the Power as originally filed on July 26,
2001.
b. ☐ Because the power does not appear in the original papers, a copy of the
power in the prior application is enclosed.
c. ☐ A new power has been executed and is attached.
d. ☒ Address all future communications to:
Raiford A. Blackstone, Jr.
Trexler, Bushnell, Giangiorgi,
Blackstone & Marr, Ltd.
105 W. Adams Street
Suite 3600
Chicago, Illinois 60603-6299
(312) 704-1890

14. **Petition for Extension of Time in Prior Application**


- ☐ A petition for extension of time and an amendment was filed on _____
with the pending parent application to extend the date for response up to and
including _____.
☐ A copy of the petition for extension of time in the pending parent application is
attached.

Respectfully submitted,

TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.

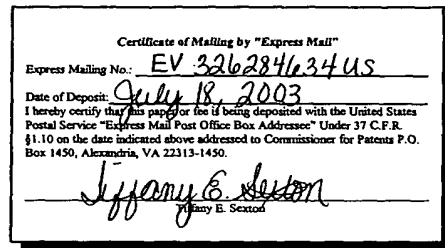
Attorney for Applicant

Date: July 18, 2003

By: 
Raiford A. Blackstone, Reg. No. 25,156
Linda L. Palomar, Reg. No. 37,903
Trexler, Bushnell, Giangiorgi,
Blackstone & Marr, Ltd.
105 W. Adams St., 36th Floor
Chicago, Illinois 60603
(312) 704-1890

531007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



BOX PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b)

1. **Type of Application**

This new application for a

☐ Continuation

☒ Divisional

application under 37 CFR 1.53(b), of pending prior application Serial No. 09/850,797, which was filed on May 8, 2001, of Daniel John Smith, Gavin Walsh Millar, Kevin Blake Powell and David Peter Baldwin and entitled "AN EXPIRATORY LIMIT FOR A BREATHING CIRCUIT".

2. **Benefit of Prior U.S. Application(s)**

☒ The new application being transmitted claims the benefit of prior U.S.

application(s).

☒ Amend the specification by inserting on the first page, after the title:

This application is a divisional application of Serial No. 09/850,797, filed on May 8, 2001, and entitled "An Expiratory Limit For A Breathing Circuit".

3. **Papers Enclosed**

☒ 22 pages of specification

☒ 5 page of claims

☒ 1 page of Abstract

☒ 9 sheets of **formal** drawings

☒ 2 pages of *executed* declaration and power of attorney.

☒ 2 pages of an Application Data Sheet